

# SENATE BILL REPORT

## ESHB 2222

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As of March 20, 2009

**Title:** An act relating to conditioning industrial storm water general discharge permits.

**Brief Description:** Regarding conditioning industrial storm water general discharge permits.

**Sponsors:** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz, Short, Eddy, Smith, Takko, Hinkle, Hudgins, Springer, Herrera, Morris, Warnick, Williams and Chandler).

**Brief History:** Passed House: 3/11/09, 97-0.

**Committee Activity:** Environment, Water & Energy: 3/24/09.

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Staff:** Karen Epps (786-7424)

**Background:** The federal Clean Water Act (CWA) establishes the National Pollutant Discharge Elimination System (NPDES) permit system to regulate wastewater and storm water discharges from point sources to surface waters. The NPDES permits are required for anyone who discharges wastewater or storm water to surface waters, or who has a significant potential to impact surface waters. The Department of Ecology (Ecology) is delegated federal CWA authority by the United States Environmental Protection Agency.

Ecology also administers state discharge permits. A wastewater discharge permit places limits on the quantity and concentrations of contaminants that may be discharged and may require wastewater treatment or impose operating or other conditions. Ecology issues both individual permits (covering single, specific activities or facilities) and general permits (covering a category of similar dischargers) in the state and the NPDES permit programs.

**Summary of Bill:** By November 1, 2009, Ecology must modify or reissue the industrial storm water general permit to require compliance with appropriately derived numeric water quality-based effluent limitations for existing discharges to impaired water bodies under the CWA. The industrial storm water general permit must require compliance no later than six months after the permit's effective date. Ecology may establish a compliance schedule for permittees that Ecology determines are unable to comply by the original compliance date, but compliance must occur no later than 18 months after the permit's effective date. Before establishing a compliance schedule, Ecology must post the proposed compliance schedule on

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its website. The industrial storm water general permit must include a provision to allow an entity to apply for an individual storm water permit or coverage under another alternative permit.

By June 30, 2010, Ecology must work with a stakeholder committee to develop a long-term compliance assessment and enforcement plan for the industrial and construction general storm water permits. The plan must contain provisions to identify entities that are required to be covered under the permit by June 30, 2011. Additionally, Ecology must seek input from stakeholders and then implement a technical assistance program by July 1, 2010.

Ecology must create a storm water technical resource center in partnership with a university, nonprofit organization, or other public or private entity to provide tools for storm water management. The center must use its authority to support research, development, technology demonstration, technology transfer, education, outreach, recognition, and training programs. Additionally, the center may:

- review and evaluate emerging storm water technologies;
- research and develop technical solutions to remove pollutants from runoff and to reduce or eliminate storm water discharges;
- conduct pilot projects to test technical solutions;
- serve as a clearinghouse and outreach center for information on storm water technology;
- assist in the development of storm water control methods to better protect water quality;
- coordinate with federal, state, and local agencies and private organizations in administering programs related to storm water control measures; and
- collaborate with existing storm water outreach programs.

In consultation with an advisory committee, Ecology must identify a funding strategy for funding the Storm Water Technical Resource Center and encourage all interested parties to help and support the technical resource center with in-kind services. Finally, Ecology must prepare and submit a biennial progress report on the Storm Water Technical Resource Center to the Legislature.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on March 25, 2009.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.